



General Assembly

Substitute Bill No. 5698

February Session, 2002

**AN ACT CONCERNING MUNICIPAL ETHICS, AUTHORIZING THE
RECALL OF MUNICIPAL CHIEF ELECTED OFFICIALS HAVING A
TERM OF FOUR YEARS, AND REQUIRING DISCLOSURE OF
MUNICIPAL CONTRACTS HELD BY CERTAIN CONTRIBUTORS TO
CANDIDATES FOR THE OFFICE OF CHIEF EXECUTIVE OFFICER OF
A MUNICIPALITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-148h of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) [Any] Each town, city, district, as defined in section 7-324, [or]
4 and borough [may] shall, by charter provision or ordinance, either (1)
5 establish a standing or ad hoc board, commission, council, committee
6 or other agency to investigate allegations of unethical conduct,
7 corrupting influence or illegal activities levied against any official,
8 officer or employee of such town, city, district or borough, or (2)
9 provide for the State Ethics Commission to investigate any such
10 allegations. [The] If a town, city, district or borough establishes such an
11 agency, the provisions of [subsections (a) to (e), inclusive, of section
12 1-82a] sections 1-82 and 1-82a shall apply to allegations before any
13 such agency of such conduct, influence or activities, to an investigation
14 of such allegations conducted prior to a probable cause finding, and to
15 a finding of probable cause or no probable cause. [Any board,
16 commission, council, committee or other agency established pursuant
17 to this section may issue subpoenas or subpoenas duces tecum,

18 enforceable upon application to the Superior Court, to compel the
19 attendance of persons at hearings and the production of books,
20 documents, records and papers.] If a town, city, district or borough
21 provides for the State Ethics Commission to investigate such
22 allegations, the provisions of sections 1-82 and 1-82a shall apply to
23 such allegations before the State Ethics Commission.

24 [(b) Notwithstanding the provisions of any special act, municipal
25 charter or ordinance to the contrary, an elected official of any town,
26 city, district or borough that has established a board, commission,
27 council, committee or other agency under subsection (a) of this section,
28 has an interest that is in substantial conflict with the proper discharge
29 of the official's duties or employment in the public interest and of the
30 official's responsibilities as prescribed by the laws of this state, if the
31 official has reason to believe or expect that the official, the official's
32 spouse or dependent child, or a business with which he is associated,
33 as defined in section 1-79, will derive a direct monetary gain or suffer a
34 direct monetary loss, as the case may be, by reason of the official's
35 official activity. Any such elected official does not have an interest that
36 is in substantial conflict with the proper discharge of the official's
37 duties in the public interest and of the official's responsibilities as
38 prescribed by the laws of this state, if any benefit or detriment accrues
39 to the official, the official's spouse or dependent child, or a business
40 with which he, his spouse or such dependent child is associated as a
41 member of a profession, occupation or group to no greater extent than
42 to any other member of such profession, occupation or group. Any
43 such elected official who has a substantial conflict may not take official
44 action on the matter.]

45 (b) Each town, city, district and borough shall either (1) adopt a
46 municipal code of ethical conduct applicable to all officials and
47 employees of the town, city, district or borough, whether elected or
48 appointed, paid or unpaid, which code shall include provisions which
49 meet or exceed the requirements for ethical behavior for state officials
50 and employees in part I of chapter 10 which are listed in subsection (c)
51 of this section, or (2) provide for said provisions of said part, which are

52 listed in subsection (c) of this section, to be a municipal code of ethical
53 conduct applicable to all such officials and employees of the town, city,
54 district or borough. Any town, city, district or borough which has
55 adopted a code of ethical conduct before the effective date of this
56 section, the provisions of which do not meet or exceed the
57 requirements in the provisions listed in subsection (c) of this section,
58 shall revise such code to comply with said provisions.

59 (c) The provisions of part I of chapter 10 which shall serve as the
60 basis for municipal codes of ethical conduct under subdivision (1) of
61 subsection (b) of this section or municipal codes of ethical conduct
62 under subdivision (2) of subsection (b) of this section are:

63 (1) Subsections (a), (b), (c), (d), (f), (g), (h), (i), (j), (k), (l), (m) and (o)
64 of section 1-84, provided references to state agencies, officials and
65 employees in said subsections shall refer to municipal agencies,
66 officials and employees, and further provided the provisions of
67 subsection (d) of section 1-84 shall refer to all municipal agencies in
68 lieu of the state agencies listed in said subsection (d);

69 (2) Section 1-84a and subsections (a), (b), (c), (f) and (g) of section 1-
70 84b, provided references to state agencies, officials and employees in
71 said subsections shall refer to municipal agencies, officials and
72 employees, and further provided the provisions of subsection (c) of
73 section 1-84b shall refer to all municipal agencies in lieu of the state
74 agencies listed in said subsection (c); and

75 (3) Section 1-85 and subsections (a) and (b) of section 1-86, provided
76 references to state agencies, officials and employees in said section and
77 subsections shall refer to municipal agencies, officials and employees.

78 (d) Any person who intentionally violates any provision of a
79 municipal code of ethical conduct shall be fined not more than one
80 thousand dollars for each such violation, shall cease and desist the
81 violation and shall file any required report, statement or other
82 information.

83 Sec. 2. (NEW) (*Effective October 1, 2002*) The chief executive officer,
84 as defined in section 7-193 of the general statutes, of each town, city,
85 district, as defined in section 7-324 of the general statutes, or borough
86 shall annually file a statement of financial interests in accordance with
87 the provisions of section 1-83 of the general statutes, as amended, with
88 the agency established by the municipality pursuant to subdivision (1)
89 of subsection (a) of section 7-148h of the general statutes, as amended
90 by this act, or, if the municipality has not established such an agency,
91 with the State Ethics Commission.

92 Sec. 3. (NEW) (*Effective July 1, 2002*) (a) A chief elected official of a
93 municipality who is elected to a term of office of four years may be
94 recalled by the electors of the municipality in accordance with the
95 provisions of this section.

96 (b) The Secretary of the State shall prescribe the form of recall
97 petitions and such petitions shall be available from the town clerk of
98 any municipality whose chief elected official is elected to a term of
99 office of four years. The recall petition form shall include a space for
100 the name of the official whose recall is sought, a statement that the
101 purpose of the petition is to seek a referendum on the recall of said
102 official, a statement of instructions to persons circulating the petition,
103 lines for the signatures, street addresses and dates of births of persons
104 signing the petition, spaces for the time and date on which the
105 completed petition is filed with the town clerk and spaces for the
106 information required under subsection (d) of this section concerning
107 the circulation of the petition.

108 (c) A resident of any such municipality who is an elector may
109 initiate the recall of the chief elected official of the municipality by
110 filing an affidavit with the town clerk of the municipality stating the
111 name of said official and requesting recall petition forms. Upon such
112 filing, the town clerk shall issue recall petition forms to said resident.
113 Any resident of the municipality who is an elector may sign said
114 petition.

115 (d) Each circulator of a recall petition page shall be a resident of said
116 municipality and an elector. Each separate page of such petition shall
117 contain a statement as to the authenticity of the signatures on the
118 petition and the number of such signatures, and shall be signed under
119 the penalties of false statement by the circulator of the petition page,
120 setting forth such circulator's address and attesting that each person
121 whose name appears on such sheet signed the same in person in the
122 presence of such circulator, that the circulator either knows each such
123 signer or that the signer satisfactorily identified the signer to the
124 circulator. Each separate sheet of such petition shall also be
125 acknowledged before an appropriate person as provided in section 1-
126 29 of the general statutes.

127 (e) Any person who signs a name other than the person's own to a
128 recall petition or who signs a name other than the person's own as
129 circulator of said petition shall be fined not more than one hundred
130 dollars or imprisoned not more than one year, or both.

131 (f) No petition for the recall of an official shall be effective unless
132 filed with the town clerk not later than four o'clock p.m. on the twenty-
133 eighth calendar day after the town clerk issues petition forms for such
134 recall under subsection (c) of this section. Upon the filing of a recall
135 petition, the town clerk shall sign and give to the person so submitting
136 a page or pages of such petition a receipt indicating the number of
137 such pages filed and the date and time when such pages were filed.
138 The town clerk shall forthwith transmit the petition to the registrars of
139 voters of the municipality who shall forthwith certify on each such
140 petition page the number of signers on the page who are electors in the
141 municipality. In the checking of signatures on recall petition pages, the
142 registrars shall reject any name if such name does not appear on the
143 last-completed active registry list in the municipality. The registrars
144 shall not reject any name for which the street address on the petition is
145 different from the street address on the registry list, if the person's date
146 of birth, as shown on the petition page, is the same as the date of birth
147 on the person's registration record. Each petition page shall contain a
148 statement signed by a registrar of voters of said municipality attesting

149 that the circulator is a resident of said municipality and an elector.
150 Unless such a statement by a registrar appears on each page so
151 submitted, the registrars shall reject such page. Any page of a petition
152 that does not contain a statement by the circulator as to the
153 authenticity of the signatures on the page, or upon which the
154 statement of the circulator is incomplete in any respect shall be rejected
155 by the registrars. The registrars shall also reject any page of a petition
156 they determine to have been circulated in violation of any other
157 provision of this section. The registrars shall complete their verification
158 of petition signatures and return the petition with their certifications to
159 the town clerk not later than seven calendar days after the petition is
160 filed with the town clerk.

161 (g) If, upon receiving a recall petition from the registrars of voters
162 under subsection (f) of this section, the town clerk determines that the
163 number of valid signatures on the petition is at least ten per cent of the
164 total number of electors whose names appear on the active registry list
165 of said municipality, (1) the town clerk shall forthwith certify the
166 petition and submit said certification to the legislative body of the
167 municipality, and (2) said legislative body shall, not later than seven
168 days after receipt of said certification, order a referendum to be held
169 on the recall of the chief elected official of the municipality not later
170 than thirty days after receipt of said certification.

171 (h) A recall referendum shall be conducted in accordance with the
172 provisions of chapter 152 of the general statutes and this section. The
173 form of the question to be used on the voting machine ballot labels and
174 absentee ballots at said referendum shall be "Shall (name of the official
175 and office) be recalled?" If, upon the official determination of the
176 results of such vote, a majority of all the votes cast are in approval of
177 the question, the chief elected official's office shall be vacant and shall
178 be filled in accordance with the applicable provision of state or
179 municipal law concerning the filling of vacancies in said office.

180 (i) The provisions of this section shall not apply to any municipality
181 for which state or municipal authority exists on the effective date of

182 this section for the recall of the chief elected official of the municipality.

183 Sec. 4. Subsection (c) of section 9-333j of the general statutes is
184 repealed and the following is substituted in lieu thereof (*Effective*
185 *October 1, 2002*):

186 (c) (1) Each statement filed under subsection (a), (e) or (f) of this
187 section shall include, but not be limited to: (A) An itemized accounting
188 of each contribution, if any, including the full name and complete
189 address of each contributor and the amount of the contribution; (B) in
190 the case of anonymous contributions, the total amount received and
191 the denomination of the bills; (C) an itemized accounting of each
192 expenditure, if any, including the full name and complete address of
193 each payee, the amount and the purpose of the expenditure, the
194 candidate supported or opposed by the expenditure, whether the
195 expenditure is made independently of the candidate supported or is an
196 in-kind contribution to the candidate, and a statement of the balance
197 on hand or deficit, as the case may be; (D) an itemized accounting of
198 each expense incurred but not paid; (E) the name and address of any
199 person who is the guarantor of a loan to, or the cosigner of a note with,
200 the candidate on whose behalf the committee was formed, or the
201 campaign treasurer in the case of a party committee or a political
202 committee or who has advanced a security deposit to a telephone
203 company, as defined in section 16-1, as amended, for
204 telecommunications service for a committee; (F) for each business
205 entity or person purchasing advertising space in a program for a fund-
206 raising affair, the name and address of the business entity and the
207 name of the chief executive officer of the business entity or the name
208 and address of the person, and the amount and aggregate amounts of
209 such purchases; (G) for each individual who contributes in excess of
210 one hundred dollars but not more than one thousand dollars, in the
211 aggregate, to the extent known, the principal occupation of such
212 individual and the name of the individual's employer, if any; (H) for
213 each individual who contributes in excess of one thousand dollars in
214 the aggregate, the principal occupation of such individual, the name of
215 the individual's employer, if any, and a statement indicating whether

216 the individual or a business with which he is associated has a contract
217 with the state which is valued at more than five thousand dollars;
218 [and] (I) for each itemized contribution made by a lobbyist, the spouse
219 of a lobbyist or any dependent child of a lobbyist who resides in the
220 lobbyist's household, a statement to that effect; and (I) for each
221 individual who contributes in excess of two hundred fifty dollars in
222 the aggregate to or for the benefit of any candidate's campaign for
223 nomination at a primary or election to the office of chief executive
224 officer of a town, city or borough, a statement indicating whether the
225 individual or a business with which he is associated has a contract
226 with said municipality which is valued at more than five thousand
227 dollars. Each campaign treasurer shall include in such statement an
228 itemized accounting of the receipts and expenditures relative to any
229 testimonial affair held under the provisions of section 9-333k or any
230 other fund-raising affair.

231 (2) Each contributor described in subparagraph (G), (H), [or] (I) or
232 (I) of subdivision (1) of this subsection shall, at the time [he] the
233 contributor makes such a contribution, provide the information which
234 the campaign treasurer is required to include under said subparagraph
235 in the statement filed under subsection (a), (e) or (f) of this section.
236 Notwithstanding any provision of subdivision (2) of section 9-7b, any
237 contributor described in subparagraph (G) of subdivision (1) of this
238 subsection who does not provide such information at the time [he] the
239 contributor makes such a contribution and any treasurer shall not be
240 subject to the provisions of subdivision (2) of section 9-7b. If a
241 campaign treasurer receives a contribution from an individual which
242 separately, or in the aggregate, is in excess of one thousand dollars and
243 the contributor has not provided the information required by said
244 subparagraph (H) or if a campaign treasurer receives a contribution
245 from an individual to or for the benefit of any candidate's campaign
246 for nomination at a primary or election to the office of chief executive
247 officer of a town, city or borough, which separately, or in the
248 aggregate, is in excess of two hundred fifty dollars and the contributor
249 has not provided the information required by said subparagraph (I),

250 the campaign treasurer: (i) Within three business days after receiving
 251 the contribution, shall send a request for such information to the
 252 contributor by certified mail, return receipt requested; (ii) shall not
 253 deposit the contribution until [he] the campaign treasurer obtains such
 254 information from the contributor, notwithstanding the provisions of
 255 section 9-333h; and (iii) shall return the contribution to the contributor
 256 if the contributor does not provide the required information within
 257 fourteen days after the treasurer's written request or the end of the
 258 reporting period in which the contribution was received, whichever is
 259 later. Any failure of a contributor to provide the information which the
 260 campaign treasurer is required to include under said subparagraph (G)
 261 or (I), which results in noncompliance by the campaign treasurer with
 262 the provisions of said subparagraph (G) or (I), shall be a complete
 263 defense to any action against the campaign treasurer for failure to
 264 disclose such information.

265 (3) Contributions from a single individual to a campaign treasurer
 266 in the aggregate totaling thirty dollars or less need not be individually
 267 identified in the statement, but a sum representing the total amount of
 268 all such contributions made by all such individuals during the period
 269 to be covered by such statement shall be a separate entry, identified
 270 only by the words "total contributions from small contributors".

271 (4) Statements filed in accordance with this section shall remain
 272 public records of the state for five years from the date such statements
 273 are filed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>

GAE *Joint Favorable Subst.*